

ORDINANCE NO. 07-017

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION", ARTICLE II. DEPARTMENTS, OFFICES AND DIVISIONS, OF THE CODE OF ORDINANCES BY AMENDING AND RENAMING DIVISION 14. EDUCATION AND COMMUNITY SERVICES DEPARTMENT AND ADDING A NEW DIVISION, DIVISION 15 ENTITLED "PARKS AND RECREATION DEPARTMENT" TO CREATE A NEW EDUCATION AND COMMUNITY SERVICES DEPARTMENT AND A PARKS AND RECREATION DEPARTMENT APPORTIONING VARIOUS FUNCTIONS THAT WERE FORMERLY UNDER THE RECREATION AND COMMUNITY SERVICES DEPARTMENT; TO PROVIDE FOR A DIRECTOR AS ADMINISTRATIVE HEAD OF THE DEPARTMENT SUBJECT TO SUPERVISION OF THE MAYOR; PROVIDE FOR DIVISIONS AND TO PROVIDE A DESCRIPTION OF OPERATIONAL DUTIES OF THE DEPARTMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

WHEREAS, the specific purpose of this ordinance is to create a separate education and community services department with the library system under its supervision and parks and recreation department so as to provide greater efficiency in providing expanding education and community services to the community in addition to

providing more comprehensive and organized activities and services in the municipal parks and recreation facilities throughout the city.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 2 entitled "Administration", Article II. Departments, Offices and Divisions, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Division 14. Recreation and Community Services Department" and by adding a new division, Division 15 entitled "Parks and Recreation Department", to read as follows:

Chapter 2

ADMINISTRATION

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**ARTICLE II. DEPARTMENTS, OFFICES
AND DIVISIONS**

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**DIVISION 14. ~~RECREATION~~ EDUCATION AND
COMMUNITY SERVICES DEPARTMENT**

Sec. 2-416. Created.

There is created and established a ~~recreation~~ an education and community services department.

Sec. 2-417. Director of ~~recreation~~ education and community services.

The director of ~~recreation~~ education and community services shall be the administrative head of the ~~recreation~~ education and community services department, which includes immediate direction and control of personnel within the department. Subject to the supervision of the

mayor, the director is charged with the responsibility of ~~planning, maintenance and operation of the parking and library system in the city and recreation and community services, including cultural and sporting events and programs, in the city~~ developing and implementing education and community services programs, including, but not limited to, literacy, after care, and adult center and special population programs and operating the library system.

Sec. 2-418. Divisions.

A Division in the recreation education and community services department shall be as follows:

~~(1) Parks.~~

~~(2) Library.~~

DIVISION 15. PARKS AND RECREATION
DEPARTMENT

Sec. 2- . Created.

There is created and established a parks and recreation department.

Sec. 2- . Director of parks and recreation department.

The director of the parks and recreation department shall be the administrative head of the parks and recreation department, which includes the immediate direction and control of the personnel within the department. Subject to the supervision of the mayor, the director is charged with the responsibility of planning, maintenance and operation of the parks and recreational facilities in the city, including cultural and sporting events and programs.

Sec. 2- . Divisions.

Divisions in the parks and recreation department shall be as follows:

(1) Parks.

(2) Recreation.

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 13th day of February, 2007.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Esteban Bovo
Council President

Attest:

Approved on this 15 day of February, 2007.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a 6-0 vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Hernandez, Miel and Yedra voting "Yes" and Councilmember Gonzalez absent.